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JAMES H. McKENNEY,
Clerk.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1898.

In the Matter

OF

The Petition of the ATLAS STEAMSHIP COMPANY for a Writ of *Certiorari* to the U. S. Circuit Court of Appeals for the Second Circuit.

Affidavit in opposition to application for Writ of Certiorari.

2

UNITED STATES OF AMERICA,
Southern District of New York. } ss.:

EDWARD K. JONES, being duly sworn, deposes and says:

That he is a member of the law firm of Eustis, Jones & Govin, the proctors for La Compagnie Generale Transatlantique, the owners of the Steamship *La Bourgogne*, in the case in which the above-entitled application for a writ of *certiorari* is made. 3

And deponent further deposes and says that the suit of the Atlas Steamship Company against the said steamship *La Bourgogne* is but one of fourteen distinct litigations growing out of the collision referred to in the petition, although nominally there were but three causes, to wit: the case of the Atlas Steamship Company, the case of Charles B. Wheeler, and the case of the Western Assurance Company of Toronto and others. In the last mentioned cause there were twelve distinct litigants, all joined as co-libellants, which as above stated, makes fourteen distinct litigations in all. 4

5 And deponent further deposes and says that the said causes were decided and disposed of by the U. S. Circuit Court of Appeals for the Second Circuit in the month of March, 1898, and subsequently in the month of April, 1898, mandates were duly issued to the District Court from which said causes were brought by appeal affirming the judgment of the said District Court in the said causes and directing the entry of decrees dismissing the libels in each case. Decrees were accordingly entered in the case of Wheeler
6 and in the case of the Western Assurance Company of Toronto and others, which were thereafter duly satisfied, and thus finally disposed of.

And deponent further deposes and says that in the early part of July last the disastrous collision between the *Bourgogne* and the *Cromartyshire* occurred, resulting in the loss of the *Bourgogne* and great loss of life, and that fact is mentioned by the petitioner in this case in its petition for the writ of *certiorari* presumably as one reason why the application
7 should be granted, and accordingly some time after the said disaster, namely, in the month of August last, this petition was filed.

And deponent further deposes and says that the larger interests in the whole case, which exceed by far a majority in value of this litigation as a whole, to wit, the interests represented by the Western Assurance Company of Toronto and others are satisfied with and have signified their willingness to abide by the decree of the Circuit Court of Appeals, no appli-
8 cation for a writ of *certiorari* being made in that behalf.

EDWARD K. JONES.

Sworn to and subscribed before me }
this 5th day of November, 1898. }

FREDERICK KOPF,

[L. S.] Notary Public (74),
N. Y. Co.